

THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA (Spartanburg)

IN RE:

Richard Michael Zvolsky
Debtor(s)

C/A No. 17-02919-hb

CHAPTER 13

**SETTLEMENT ORDER
ON
MOTION FOR RELIEF FROM
AUTOMATIC STAY**

This matter comes before the Court on the motion for relief from the automatic stay filed by Ditech Financial LLC ("Movant"). The Chapter 13 Trustee did not object to the motion or has agreed to the settlement. The property serving as collateral which is the subject of the motion is described as follows:

741 Winding Hollow Rd
Fountain Inn, SC 29644

Upon Movant's certification of the agreement of the parties, it is hereby ORDERED:

As of November 1, 2017, Debtor has accrued a post petition arrearage in the amount of \$1,928.13. The post petition arrearage consists of:

- ☒ Payments for the months of November 1, 2017 in the amount of \$897.13 per month.
- ☐ Late charges in the amount of \$0.00.
- ☒ Attorney's fees and costs in the amount of \$1,031.00.
- ☐ Other costs in the amount of \$(0.00) as described: _____.

Debtor shall continue to remit to Movant the regular post petition monthly payments beginning December 1, 2017 and continuing thereafter in accordance with the terms of the loan agreement and the Chapter 13 plan.

In addition to the regular post petition monthly payments set forth above, Debtor shall cure the post petition arrearage of \$1,928.13 as follows:

- ☐ Pay \$ _____ by _____.
- ☒ Pay initial payment of \$897.13 by November 20, 2017.
- ☒ Pay \$140.25 per month beginning December 1, 2017 for 5 months.
- ☒ Pay final payment of \$140.27 by May 1, 2018.
- ☒ Movant will credit the suspense balance in the amount of \$189.48.

Failure to make a payment within 20 days from its due date shall be considered a default under the terms of this settlement order.

Payments shall be paid directly to Movant at:

Ditech Financial LLC
1400 Turbine Dr. Suite 200
Rapid City, South Dakota 57709

In the event of a default under the terms of this Order, relief from stay may be provided without further hearing upon the filing of an affidavit of default by Movant and the entry of the proposed order by the Court. Movant may then proceed with its state court remedies against the collateral, including sending any required notice to Debtor. This *ex parte* provision shall expire and no longer be effective 24 months from the entry of this order.

Movant has waived any claim arising under 11 U.S.C. § 503(b) or § 507(b) and, in the event relief from the automatic stay is granted due to Debtor's default under the terms of this settlement order, agreed that any funds realized from the disposition of its collateral in excess of all liens, costs, and expenses will be paid to the trustee or bankruptcy estate.

The parties agree that the Fed. R. Bankr. P. 4001(a)(3) stay:

- ☐ is applicable to any order granting relief for default on this settlement order.
- ☒ is not applicable to any order granting relief for default on this Settlement Order.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/John B. Kelchner

John B. Kelchner (ID #6987)
John S. Kay (ID #3936)
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/s/Christopher M. Edwards

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CERTIFICATION:

Prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor or the party obligated to pay.

/s/Christopher M. Edwards

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FILED BY THE COURT
11/03/2017



Entered: 11/03/2017

US Bankruptcy Judge
District of South Carolina